

AMENDED IN ASSEMBLY AUGUST 14, 2014

AMENDED IN ASSEMBLY JUNE 19, 2014

AMENDED IN SENATE APRIL 9, 2014

AMENDED IN SENATE MARCH 27, 2014

## SENATE BILL

**No. 971**

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### Introduced by Senator Huff

February 10, 2014

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An act to amend Sections 17199.4, 17592.74, 32282, 35292.5, 41003.3, ~~47613.1~~, 47650, 47651, 48660, and 60851 of, to repeal Sections 315.5, 316.5, 317, 1982.3, 1982.5, 1983.5, 17584.3, 17586, 17588, 17592, 32285, 46306, 47613.2, 47634.1, 48660.2, ~~and 48664~~ 48664, and 60510.1 of, to amend and renumber the heading of Article 2 (commencing with Section 60510) and Article 4 (commencing with Section 60530) of Chapter 4 of Part 33 of Division 4 of Title 2 of, to repeal Article 11 (commencing with Section 1830) of Chapter 6 of Part 2 of Division 1 of Title 1 of, to repeal Article 1 (commencing with Section 41500), Article 2 (commencing with Section 41505), Article 3 (commencing with Section 41510), Article 4 (commencing with Section 41520), Article 5 (commencing with Section 41530), and Article 7 (commencing with Section 41570) of Chapter 3.2 of Part 24 of Division 3 of Title 2 of, to repeal Article 13 (commencing with Section 41920) of Chapter 5 of Part 24 of Division 3 of Title 2 of, to repeal Article 5 (commencing with Section 44520), Article 6 (commencing with Section 44560), Article 8 (commencing with Section 44580), Article 10 (commencing with Section 44630), and Article 10.6 (commencing with Section 44650) of Chapter 3 of Part 25 of Division 3 of Title 2 of, to repeal Article 4.5 (commencing with Section ~~52378~~), ~~Article 5 (commencing with Section 52381)~~, 52378) and Article 8 (commencing with Section 52480) of Chapter 9 of Part 28 of Division 4 of Title 2 of,

to repeal Article 4 (commencing with Section 52750) of Chapter 11 of Part 28 of Division 4 of Title 2 of, to repeal Article 1 (commencing with Section 52800) of Chapter 12 of Part 28 of Division 4 of Title 2 of, to repeal ~~Article 3 (commencing with Section 60240)~~ and Article 7 (commencing with Section 60350) of Chapter 2 of Part 33 of Division 4 of Title 2 of, *to repeal Article 1 (commencing with Section 60500) and Article 3 (commencing with Section 60520) of Chapter 4 of Part 33 of Division 4 of Title 2 of*, to repeal Chapter 13 (commencing with Section 11200) of Part 7 of Division 1 of Title 1 of, to repeal Chapter 2.5 (commencing with Section 37300) of Part 22 of Division 3 of Title 2 of, to repeal Chapter 3.3 (commencing with Section 44700), Chapter 3.33 (commencing with Section 44720), Chapter 3.36 (commencing with Section 44735), and Chapter 3.45 (commencing with Section 44755) of Part 25 of Division 3 of Title 2 of, to repeal Chapter 6.8 (commencing with Section 52080), Chapter 6.9 (commencing with Section 52100), Chapter 6.10 (commencing with Section 52120), Chapter 8 (commencing with Section 52200), Chapter 8.5 (commencing with Section 52250), *and Chapter 8.6 (commencing with Section 52270)*, ~~and Chapter 12.5 (commencing with Section 52920)~~ 52270) of Part 28 of Division 4 of Title 2 of, to repeal Chapter 2 (commencing with Section 54100) of Part 29 of Division 4 of Title 2 of, *and to repeal Chapter 5 (commencing with Section 58700) of Part 31 of Division 4 of Title 2 of*, ~~and to repeal Chapter 4 (commencing with Section 60500) of Part 33 of Division 4 of Title 2 of~~, the Education Code, relating to school finance.

## LEGISLATIVE COUNSEL'S DIGEST

SB 971, as amended, Huff. School finance: categorical programs.

~~Existing~~

(1) *Existing* law establishes the public school system in this state, and, among other things, provides for the establishment of county superintendents of schools, school districts, and charter schools throughout the state and for the provision of instruction at the public elementary and secondary schools these local educational agencies maintain. Existing law establishes a public school financing system that requires state funding for county superintendents of schools, school districts, and charter schools to be calculated pursuant to a local control funding formula, as specified.

Existing law establishes various education programs under which funding is provided for specific educational purposes, which are commonly known as categorical programs, including, among many others, programs for community-based English tutoring, teacher training, and class size reduction. Existing law further authorizes local educational agencies to expend, for any local educational purpose, the funds previously required to be spent on specified categorical education programs.

This bill would repeal many provisions requiring, authorizing, or prescribing the elements of certain categorical education programs. The bill would make conforming changes, correct cross-references, and make other nonsubstantive changes.

(2) *This bill would incorporate additional changes to Section 17199.4 of the Education Code proposed by AB 1979 that would become operative if this bill and AB 1979 are both enacted on or before January 1, 2015, and this bill is enacted last.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 315.5 of the Education Code is repealed.
- 2 SEC. 2. Section 316.5 of the Education Code is repealed.
- 3 SEC. 3. Section 317 of the Education Code is repealed.
- 4 SEC. 4. Article 11 (commencing with Section 1830) of Chapter
- 5 6 of Part 2 of Division 1 of Title 1 of the Education Code is
- 6 repealed.
- 7 SEC. 5. Section 1982.3 of the Education Code is repealed.
- 8 SEC. 6. Section 1982.5 of the Education Code is repealed.
- 9 SEC. 7. Section 1983.5 of the Education Code is repealed.
- 10 SEC. 8. Chapter 13 (commencing with Section 11200) of Part
- 11 7 of Division 1 of Title 1 of the Education Code is repealed.
- 12 SEC. 9. Section 17199.4 of the Education Code is amended to
- 13 read:
- 14 17199.4. (a) Notwithstanding any other law, any participating
- 15 party, in connection with securing financing or refinancing of
- 16 projects, or working capital pursuant to this chapter, may elect to
- 17 guarantee or provide for payment of the bonds and related
- 18 obligations in accordance with the following conditions:

(1) If a participating party adopts a resolution by a majority vote of its board to participate under this section, it shall provide notice to the Controller of that election. The notice shall include a schedule for the repayment of principal and interest on the bonds, and any other costs necessary or incidental to financing pursuant to this chapter, and identify a trustee appointed by the participating party or the authority for purposes of this section. If payment of all or a portion of the principal and interest on the bond is secured by a letter of credit or other instrument of direct payment, the notice may provide for reimbursements to the provider of the instrument in lieu of payment of that portion of the principal and interest of the bonds. The notice shall be provided not later than the date of issuance of the bonds or 60 days before the next payment, whichever date is later. The participating party shall update the notice at least annually if there is a change in the required payment for any reason, including, but not limited to, providing for new or increased costs necessary or incidental to the financing.

(2) If, for any reason, the participating party will not make a payment at the time the payment is required, the participating party shall notify the trustee of that fact and of the amount of the deficiency. If the trustee receives this notice from the participating party, or does not receive any payment by the date that payment becomes due, the trustee shall immediately communicate that information to the Controller.

(3) Upon receipt of the notice required by paragraph (2), the Controller shall make an apportionment to the trustee on the date shown in the schedule in the amount of the deficiency for the purpose of making the required payment. The Controller shall make that apportionment only from moneys designated for apportionment to a participating party, provided that such moneys are from one or both of the following:

(A) Any funding apportioned for purposes of revenue limits or the local control funding formula pursuant to Section 42238.02, as implemented by Section 42238.03, to a school district or county office of education without regard to the specific funding source of the apportionment.

(B) Any funding apportioned for purposes of the charter school block grant or the local control funding formula pursuant to Section

1 42238.02, as implemented by Section 42238.03, to a charter school  
2 without regard to the specific funding source of the apportionment.

3 (4) As an alternative to the procedures set forth in paragraphs  
4 (2) and (3), the participating party may provide a transfer schedule  
5 in its notice to the Controller of its election to participate under  
6 this section. The transfer schedule shall set forth amounts to be  
7 transferred to the trustee and the date for the transfers. The  
8 Controller, subject to the limitation in paragraph (3), shall make  
9 apportionments to the trustee of those amounts on the specified  
10 date for the purpose of making those transfers. The authority may  
11 require a participating party to proceed under this subdivision.

12 (b) (1) The amount apportioned for a participating party  
13 pursuant to this section shall be deemed to be an allocation to the  
14 participating party and shall be included in the computation of  
15 allocation, limit, entitlement, or apportionment for the participating  
16 party.

17 (2) The participating party and its creditors do not have a claim  
18 to funds apportioned or anticipated to be apportioned to the trustee  
19 by the Controller pursuant to paragraph (3) and (4) of subdivision  
20 (a), or to the funds apportioned to by the Controller to the trustee  
21 under any other provision of this section.

22 (c) (1) Participating parties that elect to participate under this  
23 section shall apply to the authority. The authority shall consider  
24 each of the following priorities in making funds available:

25 (A) First priority shall be given to school districts, charter  
26 schools, or county offices of education that apply for funding for  
27 instructional classroom space.

28 (B) Second priority shall be given to school districts, charter  
29 schools, or county offices of education that apply for funding of  
30 modernization of instructional classroom space.

31 (C) Third priority shall be given to all other eligible costs, as  
32 defined in Section 17173.

33 (2) The authority shall prioritize applications at appropriate  
34 intervals.

35 (3) A school district electing to participate under this section  
36 that has applied for revenue bond moneys for purposes of joint  
37 venture school facilities construction projects, pursuant to Article  
38 5 (commencing with Section 17060) of Chapter 12, shall not be  
39 subject to the priorities set forth in paragraph (1).

(d) This section shall not be construed to make the State of California liable for any payments within the meaning of Section 1 of Article XVI of the California Constitution or otherwise, except as expressly provided in this section.

(e) A school district that has a qualified or negative certification pursuant to Section 42131, or a county office of education that has a qualified or negative certification pursuant to Section 1240, may not participate under this section.

*SEC. 9.5. Section 17199.4 of the Education Code is amended to read:*

17199.4. (a) Notwithstanding any other law, any participating party, in connection with securing financing or refinancing of projects, or working capital pursuant to this chapter, ~~may elect to guarantee or provide for payment of the bonds and related obligations in accordance with the following conditions:~~ *may, in accordance with this section, elect to provide for funding, in whole or in part, one or more of the following:*

(1) *Payments on authority bonds.*

(2) *Payments under credit enhancement or liquidity support agreements in connection with authority bonds.*

(3) *Amounts pledged or assigned under one or more pledges or assignments to pay authority bonds or obligations under these credit enhancement or liquidity support agreements.*

(4) *Payments to fund reserves available to pay any of the payments described in paragraphs (1), (2), and (3), exclusively until paid.*

(5) *Fees and charges contemplated by the instruments of the authority, trustees, tender agents, remarketing agents, credit enhancement and liquidity support providers, and service providers.*

(6) *Any other costs necessary or incidental to any financing or refinancing conducted under this chapter.*

(b) *The payments made pursuant to subdivision (a) may be in connection with a financing or refinancing benefiting the participating party itself, one or more other participating parties, or any combination thereof.*

(c) *To participate under this section, the participating party shall do all of the following:*

(1) *Elect to participate by an action of its governing board taken in compliance with the rules of that board.*

(1) ~~If a participating party adopts a resolution by a majority vote of its board to participate under this section, it shall provide notice~~

(2) ~~Provide written notice to the Controller of that election. The notice shall include a schedule for the repayment of principal and interest on the bonds, and any other costs necessary or incidental to financing pursuant to this chapter, and identify a trustee appointed by the participating party or the authority for purposes of this section. If payment of all or a portion of the principal and interest on the bond is secured by a letter of credit or other instrument of direct payment, the notice may provide for reimbursements to the provider of the instrument in lieu of payment of that portion of the principal and interest of the bonds. The notice shall be provided not Controller, no later than the date of the issuance of the bonds or 60 days before the next payment, whichever date is later. The participating party shall update the notice at least annually if there is a change in the required payment for any reason, including, but not limited to, providing for new or increased costs necessary or incidental to the financing. is later, of all of the following:~~

- (A) ~~Its election to participate.~~
- (B) ~~A schedule of the payments subject to that election.~~
- (C) ~~The payee or payees of those payments, or the trustee or agent on their behalf to receive those payments.~~
  - (i) ~~Payment delivery instructions, which may be by wire transfer or other method approved by the Controller.~~
  - (ii) ~~If the method of payment delivery is wire transfer, the participating party shall complete and submit the appropriate authorization form as prescribed by the Controller.~~

~~(2) If, for~~

(d) ~~The participating party may amend, supplement, or restate the notice required pursuant to paragraph (2) of subdivision (c) for any reason, the participating party will not make a payment at the time the payment is required, the including, but not necessarily limited to, providing for new or increased payments. The participating party shall certify in the notice and in any amendment, supplement, or restatement of the notice that each and every payment reflected in the schedule is a payment described in subdivision (a) and the amounts scheduled do not exceed the actual or reasonably estimated payment obligations to be funded pursuant to this section. The participating party shall notify the~~

1 trustee of that fact and of the amount of the deficiency. If the trustee  
2 receives this notice from the participating party, or does not receive  
3 any payment by the date that payment becomes due, the trustee  
4 shall immediately communicate that information to the Controller.  
5 also represent in the notice that it is not submitting the notice for  
6 the purpose of accelerating a participating party's receipt of its  
7 apportionments. Nothing in this section prohibits transfer by the  
8 recipient of an apportionment under this section to the  
9 participating party submitting the notice of the excess  
10 apportionment above the amount needed to fund actual payments  
11 where the excess resulted from erroneous estimation of scheduled  
12 payments or otherwise.

13 ~~(3)~~

14 (e) Upon receipt of the notice required by paragraph ~~(2)~~; (2) of  
15 subdivision (c), the Controller shall make an apportionment to the  
16 trustee on the date indicated recipient on the date, or during the  
17 period, shown in the schedule in the amount of the deficiency for  
18 the purpose of making the required payment. The Controller shall  
19 make that apportionment only from moneys designated for  
20 apportionment to a participating party, provided that such moneys  
21 are from one or more of accordance with the following:

22 (1) If the participating party requests transfers in full as  
23 scheduled, in the amount of the scheduled transfer or such lesser  
24 amount as is available from the sources indicated in subdivision  
25 (f).

26 (2) If the participating party does not request transfers in full  
27 as scheduled, in the amount of the anticipated deficiency for the  
28 purpose of making the required payment indicated in a written  
29 request of the participating party to the Controller and in the  
30 amount of the actual shortfall in payment indicated in a written  
31 request of the recipient or the participating party to the Controller  
32 or the lesser amount that is available from the sources indicated  
33 in subdivision (f).

34 (3) To the extent funds available for an apportionment are  
35 insufficient to pay the amount set forth in a schedule in any period,  
36 the Controller shall, if and as requested in the notice, reschedule  
37 the payment of all or a portion of the deficiency to a subsequent  
38 period.

39 (4) In making apportionments under this section, the Controller  
40 may rely conclusively and without liability on any notice or request



1 delivered under this section, including any delivered prior to  
2 enactment of the act that adds this paragraph. The Controller may  
3 make, but is not obligated to make, apportionments not reflected  
4 on a notice or on an amended, supplemented, or restated notice  
5 delivered under this section that the Controller receives less than  
6 20 days prior to when the apportionment would otherwise be  
7 required.

8 (f) The Controller shall make an apportionment under this  
9 section only from moneys designated for apportionment to the  
10 participating party delivering the notice, and only from one or  
11 both of the following:

12 ~~(A) Any revenue limit apportionments~~

13 (1) Any funding apportioned for purposes of revenue limits or  
14 the local control funding formula pursuant to Section 42238.02,  
15 as implemented by Section 42238.03, to a school district or county  
16 office of education without regard to the specific funding source  
17 of the apportionment.

18 ~~(B) Any charter school block grant apportionments to a charter~~  
19 ~~school without regard to the specific funding source of the~~  
20 ~~apportionment.~~

21 ~~(C)~~

22 (2) Any funding apportioned for purposes of the charter school  
23 ~~categorical block grant apportionments block grant or the local~~  
24 ~~control funding formula pursuant to Section 42238.02, as~~  
25 ~~implemented by Section 42238.03, to a charter school without~~  
26 ~~regard to the specific funding source of the apportionment.~~

27 ~~(4) As an alternative to the procedures set forth in paragraphs~~  
28 ~~(2) and (3), the participating party may provide a transfer schedule~~  
29 ~~in its notice to the Controller of its election to participate under~~  
30 ~~this section. The transfer schedule shall set forth amounts to be~~  
31 ~~transferred to the trustee and the date for the transfers. The~~  
32 ~~Controller, subject to the limitation in paragraph (3), shall make~~  
33 ~~apportionments to the trustee of those amounts on the specified~~  
34 ~~date for the purpose of making those transfers. The authority may~~  
35 ~~require a participating party to proceed under this subdivision.~~

36 ~~(b)~~

37 (g) (1) The amount apportioned for a participating party  
38 pursuant to this section shall be deemed to be an allocation to the  
39 participating party, and shall be included in the computation

1 of allocation, limit, entitlement, or apportionment for the  
2 participating party.

3 ~~The~~

4 (2) ~~The~~ participating party and its creditors do not have a claim  
5 to funds apportioned or anticipated to be apportioned to the trustee  
6 by the Controller pursuant to paragraph (3) and (4) of subdivision  
7 (a), or to the funds apportioned to by the Controller to the trustee  
8 under any other provision of this section.

9 (e)

10 (h) (1) ~~Participating parties that elect to participate~~ *The authority*  
11 *may require participation under this section shall under the terms*  
12 *of any financing or refinancing under this chapter to provide for*  
13 *one or more of the payments described in paragraphs (1), (2), (3),*  
14 *and (4) of subdivision (a). The authority may impose limits on new*  
15 *participation under this section. The authority may require*  
16 *participating parties to apply to the authority. The authority for*  
17 *participation. If the authority limits participation under this section,*  
18 *the authority shall consider each of the following priorities in*  
19 *making funds participation available:*

20 (A) First priority shall be given to ~~school districts, charter~~  
21 ~~schools, or county offices of education~~ *participating parties* that  
22 apply for funding for instructional classroom ~~space~~. *space under*  
23 *this chapter.*

24 (B) Second priority shall be given to ~~school districts, charter~~  
25 ~~schools, or county offices of education~~ *participating parties* that  
26 apply for funding of modernization of instructional classroom  
27 ~~space~~. *space under this chapter.*

28 (C) Third priority shall be given to ~~all~~ *participating parties that*  
29 *apply for funding under this chapter for any other eligible costs,*  
30 as defined in Section 17173.

31 (2) The authority shall prioritize applications at appropriate  
32 intervals.

33 (3) A school district electing to participate under this section  
34 that has applied for revenue bond moneys for purposes of joint  
35 venture school facilities construction projects, pursuant to Article  
36 5 (commencing with Section 17060) of Chapter 12, shall not be  
37 subject to the priorities set forth in paragraph (1).

38 (d)

39 (i) This section shall not be construed to make the State of  
40 California liable for any payments within the meaning of Section

1 1 of Article XVI of the California Constitution or otherwise, except  
2 as expressly provided in this section. *Constitution.*

3 (e)

4 (j) A school district that has a qualified or negative certification  
5 pursuant to Section 42131, or a county office of education that has  
6 a qualified or negative certification pursuant to Section 1240, may  
7 not participate under this section.

8 (k) *This section does not obligate the State of California to make*  
9 *available the sources of apportionment under subdivision (f) in*  
10 *any amount or at any time or, except as provided in this section,*  
11 *to fund any payment described in this section. The addition of this*  
12 *subdivision is intended solely to clarify existing law.*

13 SEC. 10. Section 17584.3 of the Education Code is repealed.

14 SEC. 11. Section 17586 of the Education Code is repealed.

15 SEC. 12. Section 17588 of the Education Code is repealed.

16 SEC. 13. Section 17592 of the Education Code is repealed.

17 SEC. 14. Section 17592.74 of the Education Code is amended  
18 to read:

19 17592.74. Notwithstanding any other law, the funds provided  
20 to school districts from the School Facilities Emergency Repair  
21 Account pursuant to this article for the purpose of emergency repair  
22 grants shall not be deposited into a school district deferred  
23 maintenance fund for purposes established pursuant to Section  
24 17582.

25 SEC. 15. Section 32282 of the Education Code is amended to  
26 read:

27 32282. (a) The comprehensive school safety plan shall include,  
28 but not be limited to, both of the following:

29 (1) Assessing the current status of school crime committed on  
30 school campuses and at school-related functions.

31 (2) Identifying appropriate strategies and programs that will  
32 provide or maintain a high level of school safety and address the  
33 school's procedures for complying with existing laws related to  
34 school safety, which shall include the development of all of the  
35 following:

36 (A) Child abuse reporting procedures consistent with Article  
37 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of  
38 Part 4 of the Penal Code.

39 (B) Disaster procedures, routine and emergency, including  
40 adaptations for pupils with disabilities in accordance with the

1 federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec.  
2 12101 et seq.). The disaster procedures shall also include, but not  
3 be limited to, both of the following:

4 (i) Establishing an earthquake emergency procedure system in  
5 every public school building having an occupant capacity of 50  
6 or more pupils or more than one classroom. A school district or  
7 county office of education may work with the Office of Emergency  
8 Services and the Seismic Safety Commission to develop and  
9 establish the earthquake emergency procedure system. The system  
10 shall include, but not be limited to, all of the following:

11 (I) A school building disaster plan, ready for implementation  
12 at any time, for maintaining the safety and care of pupils and staff.

13 (II) A drop procedure whereby each pupil and staff member  
14 takes cover under a table or desk, dropping to his or her knees,  
15 with the head protected by the arms, and the back to the windows.  
16 A drop procedure practice shall be held at least once each school  
17 quarter in elementary schools and at least once a semester in  
18 secondary schools.

19 (III) Protective measures to be taken before, during, and  
20 following an earthquake.

21 (IV) A program to ensure that pupils and both the certificated  
22 and classified staff are aware of, and properly trained in, the  
23 earthquake emergency procedure system.

24 (ii) Establishing a procedure to allow a public agency, including  
25 the American Red Cross, to use school buildings, grounds, and  
26 equipment for mass care and welfare shelters during disasters or  
27 other emergencies affecting the public health and welfare. The  
28 school district or county office of education shall cooperate with  
29 the public agency in furnishing and maintaining the services as  
30 the school district or county office of education may deem  
31 necessary to meet the needs of the community.

32 (C) Policies pursuant to subdivision (d) of Section 48915 for  
33 pupils who committed an act listed in subdivision (c) of Section  
34 48915 and other school-designated serious acts which would lead  
35 to suspension, expulsion, or mandatory expulsion recommendations  
36 pursuant to Article 1 (commencing with Section 48900) of Chapter  
37 6 of Part 27 of Division 4 of Title 2.

38 (D) Procedures to notify teachers of dangerous pupils pursuant  
39 to Section 49079.

1 (E) A discrimination and harassment policy consistent with the  
2 prohibition against discrimination contained in Chapter 2  
3 (commencing with Section 200) of Part 1.

4 (F) The provisions of any schoolwide dress code, pursuant to  
5 Section 35183, that prohibits pupils from wearing “gang-related  
6 apparel,” if the school has adopted that type of a dress code. For  
7 those purposes, the comprehensive school safety plan shall define  
8 “gang-related apparel.” The definition shall be limited to apparel  
9 that, if worn or displayed on a school campus, reasonably could  
10 be determined to threaten the health and safety of the school  
11 environment. Any schoolwide dress code established pursuant to  
12 this section and Section 35183 shall be enforced on the school  
13 campus and at any school-sponsored activity by the principal of  
14 the school or the person designated by the principal. For purposes  
15 of this paragraph, “gang-related apparel” shall not be considered  
16 a protected form of speech pursuant to Section 48950.

17 (G) Procedures for safe ingress and egress of pupils, parents,  
18 and school employees to and from school.

19 (H) A safe and orderly environment conducive to learning at  
20 the school.

21 (I) The rules and procedures on school discipline adopted  
22 pursuant to Sections 35291 and 35291.5.

23 (b) It is the intent of the Legislature that schools develop  
24 comprehensive school safety plans using existing resources,  
25 including the materials and services of the partnership, pursuant  
26 to this chapter. It is also the intent of the Legislature that schools  
27 use the handbook developed and distributed by the School/Law  
28 Enforcement Partnership Program entitled “Safe Schools: A  
29 Planning Guide for Action” in conjunction with developing their  
30 plan for school safety.

31 (c) Each schoolsite council or school safety planning committee  
32 in developing and updating a comprehensive school safety plan  
33 shall, where practical, consult, cooperate, and coordinate with  
34 other schoolsite councils or school safety planning committees.

35 (d) The comprehensive school safety plan may be evaluated  
36 and amended, as needed, by the school safety planning committee,  
37 but shall be evaluated at least once a year, to ensure that the  
38 comprehensive school safety plan is properly implemented. An  
39 updated file of all safety-related plans and materials shall be readily  
40 available for inspection by the public.

1 (e) As comprehensive school safety plans are reviewed and  
2 updated, the Legislature encourages all plans, to the extent that  
3 resources are available, to include policies and procedures aimed  
4 at the prevention of bullying.

5 (f) The comprehensive school safety plan, as written and updated  
6 by the schoolsite council or school safety planning committee,  
7 shall be submitted for approval under subdivision (a) of Section  
8 32288.

9 SEC. 16. Section 32285 of the Education Code is repealed.

10 SEC. 17. Section 35292.5 of the Education Code is amended  
11 to read:

12 35292.5. (a) Every public and private school maintaining any  
13 combination of classes from kindergarten to grade 12, inclusive,  
14 shall comply with all of the following:

15 (1) Every restroom shall at all times be maintained and cleaned  
16 regularly, fully operational and stocked at all times with toilet  
17 paper, soap, and paper towels or functional hand dryers.

18 (2) The school shall keep all restrooms open during school hours  
19 when pupils are not in classes, and shall keep a sufficient number  
20 of restrooms open during school hours when pupils are in classes.

21 (b) Notwithstanding subdivision (a), a school may temporarily  
22 close a restroom as necessary for pupil safety or as necessary to  
23 repair the facility.

24 SEC. 18. Chapter 2.5 (commencing with Section 37300) of  
25 Part 22 of Division 3 of Title 2 of the Education Code is repealed.

26 SEC. 19. Section 41003.3 of the Education Code is amended  
27 to read:

28 41003.3. (a) Consistent with the provisions of Article 4  
29 (commencing with Section 17455) of Chapter 4 of Part 10.5 of  
30 Division 1 of Title 1, from July 1, 2008, to June 30, 2010, inclusive,  
31 the Dixon Unified School District may sell surplus real property  
32 previously used as the school farm on Sievers Road, located five  
33 miles outside of the city and which is not feasible for future school  
34 construction, together with any personal property located thereon,  
35 purchased entirely with local funds. The proceeds of the sale shall  
36 be deposited into the general fund of the school district in order  
37 to reestablish a 3-percent reserve. The remainder of the proceeds  
38 from the sale of the property that are not used to reestablish the  
39 3-percent reserve shall be deposited into the capital outlay fund  
40 of the school district.

1 (b) In order to expend funds pursuant to subdivision (a), the  
2 school district shall meet all of the following conditions:

3 (1) The school district shall not be eligible for new construction  
4 funding for 10 years from the date that funds are deposited into  
5 the general fund of the school district pursuant to subdivision (a),  
6 except that the school district may apply for new construction  
7 funds if both of the following conditions are met:

8 (A) At least five years have elapsed since the date upon which  
9 the sale was executed pursuant to subdivision (a).

10 (B) The State Allocation Board determines that the school  
11 district has demonstrated enrollment growth or a need for additional  
12 sites or building construction that the school district could not have  
13 easily anticipated at the time the sale was executed pursuant to  
14 subdivision (a).

15 (2) The governing board of the school district shall complete a  
16 governance training program focusing on fiscal management  
17 provided by the County Office Fiscal Crisis and Management  
18 Assistance Team.

19 (3) Any remaining funds from the sale of the property shall be  
20 exhausted for capital outlay purposes before a request for  
21 modernization funding.

22 (4) Notwithstanding any other law, the Dixon Unified School  
23 District, from July 1, 2008, to June 30, 2010, inclusive, shall not  
24 be eligible to receive financial hardship assistance pursuant to  
25 Article 8 (commencing with Section 17075.10) of Chapter 12.5  
26 of Part 10 of Division 1 of Title 1.

27 (5) The governing board of the school district shall certify all  
28 of the following to the State Allocation Board:

29 (A) The school district has no major deferred maintenance  
30 requirements that cannot be completed with existing capital outlay  
31 resources.

32 (B) The sale of the real property pursuant to this section does  
33 not violate any provisions of a local general obligation bond act.

34 (C) The real property sold pursuant to this section is not suitable  
35 to meet any projected school construction need for the next 10  
36 years.

37 (6) Before exercising the authority granted by this section, the  
38 governing board of the school district, at a regularly scheduled  
39 meeting, shall present a plan for expending one-time resources  
40 pursuant to this section. The plan shall identify the source and use

1 of the funds, and describe how the proposed use of funds, in  
2 combination with budget reductions, will address the school  
3 district's deficit spending and restore the ongoing fiscal solvency  
4 of the school district.

5 (7) No later than 10 years after the date of the sale of surplus  
6 property pursuant to subdivision (a), the school district shall deposit  
7 into its capital outlay fund an amount equal to the amount of the  
8 proceeds from the sale of the property that is deposited into the  
9 school district's general fund as needed to establish the 3-percent  
10 reserve in accordance with subdivision (a).

11 (c) This section shall remain in effect only until January 1, 2021,  
12 and as of that date is repealed, unless a later enacted statute, that  
13 is enacted before January 1, 2021, deletes or extends that date.

14 SEC. 20. Article 1 (commencing with Section 41500) of  
15 Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education  
16 Code is repealed.

17 SEC. 21. Article 2 (commencing with Section 41505) of  
18 Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education  
19 Code is repealed.

20 SEC. 22. Article 3 (commencing with Section 41510) of  
21 Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education  
22 Code is repealed.

23 SEC. 23. Article 4 (commencing with Section 41520) of  
24 Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education  
25 Code is repealed.

26 SEC. 24. Article 5 (commencing with Section 41530) of  
27 Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education  
28 Code is repealed.

29 SEC. 25. Article 7 (commencing with Section 41570) of  
30 Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education  
31 Code is repealed.

32 SEC. 26. Article 13 (commencing with Section 41920) of  
33 Chapter 5 of Part 24 of Division 3 of Title 2 of the Education Code  
34 is repealed.

35 SEC. 27. Article 5 (commencing with Section 44520) of  
36 Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code  
37 is repealed.

38 SEC. 28. Article 6 (commencing with Section 44560) of  
39 Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code  
40 is repealed.



1 SEC. 29. Article 8 (commencing with Section 44580) of  
2 Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code  
3 is repealed.

4 SEC. 30. Article 10 (commencing with Section 44630) of  
5 Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code  
6 is repealed.

7 SEC. 31. Article 10.6 (commencing with Section 44650) of  
8 Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code  
9 is repealed.

10 SEC. 32. Chapter 3.3 (commencing with Section 44700) of  
11 Part 25 of Division 3 of Title 2 of the Education Code is repealed.

12 SEC. 33. Chapter 3.33 (commencing with Section 44720) of  
13 Part 25 of Division 3 of Title 2 of the Education Code is repealed.

14 SEC. 34. Chapter 3.36 (commencing with Section 44735) of  
15 Part 25 of Division 3 of Title 2 of the Education Code is repealed.

16 SEC. 35. Chapter 3.45 (commencing with Section 44755) of  
17 Part 25 of Division 3 of Title 2 of the Education Code is repealed.

18 SEC. 36. Section 46306 of the Education Code is repealed.

19 ~~SEC. 37. Section 47613.1 of the Education Code is amended~~  
20 ~~to read:~~

21 ~~47613.1. The Superintendent shall make both of the following~~  
22 ~~apportionments on behalf of a charter school in a school district~~  
23 ~~in which all schools have been converted to charter schools~~  
24 ~~pursuant to Section 47606:~~

25 ~~(a) For each pupil enrolled in the charter school who is entitled~~  
26 ~~to special education services, the state and federal funds for special~~  
27 ~~education services for that pupil that would have been apportioned~~  
28 ~~for that pupil to the school district to which the charter petition~~  
29 ~~was submitted.~~

30 ~~(b) Funds for the programs described in Sections 63000 and~~  
31 ~~64000, to the extent that any pupil enrolled in the charter school~~  
32 ~~is eligible to participate.~~

33 ~~SEC. 38.~~

34 ~~SEC. 37.~~ Section 47613.2 of the Education Code is repealed.

35 ~~SEC. 39.~~

36 ~~SEC. 38.~~ Section 47634.1 of the Education Code, as added by  
37 Section 24 of Chapter 2 of the Fourth Extraordinary Session of  
38 the Statutes of 2009, is repealed.

1     ~~SEC. 40.~~

2     *SEC. 39.* Section 47650 of the Education Code is amended to  
3 read:

4     47650. A charter school shall be deemed to be a school district  
5 for purposes of determining the manner in which warrants are  
6 drawn on the State School Fund pursuant to Section 14041. For  
7 purposes of Section 14041, a charter school's "total amount  
8 certified" means the state aid portion of the charter school's total  
9 local control funding formula allocation pursuant to Section  
10 42238.02, as implemented by Section 42238.03.

11     ~~SEC. 41.~~

12     *SEC. 40.* Section 47651 of the Education Code is amended to  
13 read:

14     47651. (a) A charter school may receive the state aid portion  
15 of the charter school's total local control funding formula allocation  
16 pursuant to Section 42238.02, as implemented by Section 42238.03,  
17 directly or through the local educational agency that either grants  
18 its charter or was designated by the state board.

19     (1) In the case of a charter school that elects to receive its  
20 funding directly, the warrant shall be drawn in favor of the county  
21 superintendent of schools of the county in which the local  
22 educational agency that granted the charter or was designated by  
23 the state board as the oversight agency pursuant to paragraph (1)  
24 of subdivision (k) of Section 47605 is located, for deposit to the  
25 appropriate funds or accounts of the charter school in the county  
26 treasury. The county superintendent of schools is authorized to  
27 establish appropriate funds or accounts in the county treasury for  
28 each charter school.

29     (2) In the case of a charter school that does not elect to receive  
30 its funding directly pursuant to this section, the warrant shall be  
31 drawn in favor of the county superintendent of schools of the  
32 county in which the local educational agency that granted the  
33 charter is located or was designated the oversight agency by the  
34 state board pursuant to paragraph (1) of subdivision (k) of Section  
35 47605, for deposit to the appropriate funds or accounts of the local  
36 educational agency.

37     (3) In the case of a charter school, the charter of which was  
38 granted by the state board, but for which the state board has not  
39 delegated oversight responsibilities pursuant to paragraph (1) of  
40 subdivision (k) of Section 47605, the warrant shall be drawn in

1 favor of the county superintendent of schools in the county where  
2 the local educational agency is located that initially denied the  
3 charter that was later granted by the state board. The county  
4 superintendent of schools is authorized to establish appropriate  
5 funds or accounts in the county treasury for each charter school.

6 (b) On or before June 1 of each year, a charter school electing  
7 to receive its funding directly shall so notify the county  
8 superintendent of schools of the county in which the local  
9 educational agency that granted the charter is located or, in the  
10 case of charters for which the state board has designated an  
11 oversight agency pursuant to paragraph (1) of subdivision (k) of  
12 Section 47605, the county superintendent of schools of the county  
13 in which the designated oversight agency is located. An election  
14 to receive funding directly shall apply to all funding that the charter  
15 school is eligible to receive including, but not limited to, the local  
16 control funding formula allocation pursuant to Section 42238.02,  
17 as implemented by Section 42238.03, other state and federal  
18 categorical aid, and lottery funds.

19 ~~SEC. 42.~~

20 *SEC. 41.* Section 48660 of the Education Code is amended to  
21 read:

22 48660. (a) The governing board of a school district may  
23 establish one or more community day schools for pupils who meet  
24 one or more of the conditions described in subdivision (b) of  
25 Section 48662. A community day school may serve pupils in any  
26 of kindergarten and grades 1 to 6, inclusive, or any of grades 7 to  
27 12, inclusive, or the same or lesser included range of grades as  
28 may be found in an individual middle or junior high school  
29 operated by the school district. If a school district is organized as  
30 a school district that serves kindergarten and grades 1 to 8,  
31 inclusive, but no higher grades, the governing board of the school  
32 district may establish a community day school for any kindergarten  
33 and grades 1 to 8, inclusive, upon a two-thirds vote of the  
34 governing board of the school district. It is the intent of the  
35 Legislature, that to the extent possible, the governing board of a  
36 school district operating a community day school for any of  
37 kindergarten and grades 1 to 8, inclusive, separate younger pupils  
38 from older pupils within that community day school.

39 (b) *The average daily attendance of a community day school*  
40 *shall be determined by dividing the total number of days of*

1 *attendance in all full school months, by a divisor of 70 in the first*  
2 *period of each fiscal year, by a divisor of 135 in the second period*  
3 *of each fiscal year, and by a divisor of 180 at the annual time of*  
4 *each fiscal year.*

5 ~~SEC. 43.~~

6 SEC. 42. Section 48660.2 of the Education Code is repealed.

7 ~~SEC. 44.~~

8 SEC. 43. Section 48664 of the Education Code is repealed.

9 ~~SEC. 45.~~

10 SEC. 44. Chapter 6.8 (commencing with Section 52080) of  
11 Part 28 of Division 4 of Title 2 of the Education Code is repealed.

12 ~~SEC. 46.~~

13 SEC. 45. Chapter 6.9 (commencing with Section 52100) of  
14 Part 28 of Division 4 of Title 2 of the Education Code is repealed.

15 ~~SEC. 47.~~

16 SEC. 46. Chapter 6.10 (commencing with Section 52120) of  
17 Part 28 of Division 4 of Title 2 of the Education Code is repealed.

18 ~~SEC. 48.~~

19 SEC. 47. Chapter 8 (commencing with Section 52200) of Part  
20 28 of Division 4 of Title 2 of the Education Code is repealed.

21 ~~SEC. 49.~~

22 SEC. 48. Chapter 8.5 (commencing with Section 52250) of  
23 Part 28 of Division 4 of Title 2 of the Education Code is repealed.

24 ~~SEC. 50.~~

25 SEC. 49. Chapter 8.6 (commencing with Section 52270) of  
26 Part 28 of Division 4 of Title 2 of the Education Code is repealed.

27 ~~SEC. 51.~~

28 SEC. 50. Article 4.5 (commencing with Section 52378) of  
29 Chapter 9 of Part 28 of Division 4 of Title 2 of the Education Code  
30 is repealed.

31 ~~SEC. 52. Article 5 (commencing with Section 52381) of~~  
32 ~~Chapter 9 of Part 28 of Division 4 of Title 2 of the Education Code~~  
33 ~~is repealed.~~

34 ~~SEC. 53.~~

35 SEC. 51. Article 8 (commencing with Section 52480) of  
36 Chapter 9 of Part 28 of Division 4 of Title 2 of the Education Code  
37 is repealed.

~~SEC. 54.~~

*SEC. 52.* Article 4 (commencing with Section 52750) of Chapter 11 of Part 28 of Division 4 of Title 2 of the Education Code is repealed.

~~SEC. 55.~~

*SEC. 53.* Article 1 (commencing with Section 52800) of Chapter 12 of Part 28 of Division 4 of Title 2 of the Education Code is repealed.

~~SEC. 56. Chapter 12.5 (commencing with Section 52920) of Part 28 of Division 4 of Title 2 of the Education Code is repealed.~~

~~SEC. 57.~~

*SEC. 54.* Chapter 2 (commencing with Section 54100) of Part 29 of Division 4 of Title 2 of the Education Code is repealed.

~~SEC. 58.~~

*SEC. 55.* Chapter 5 (commencing with Section 58700) of Part 31 of Division 4 of Title 2 of the Education Code is repealed.

~~SEC. 59. Article 3 (commencing with Section 60240) of Chapter 2 of Part 33 of Division 4 of Title 2 of the Education Code is repealed.~~

~~SEC. 60.~~

*SEC. 56.* Article 7 (commencing with Section 60350) of Chapter 2 of Part 33 of Division 4 of Title 2 of the Education Code is repealed.

~~SEC. 61. Chapter 4 (commencing with Section 60500) of Part 33 of Division 4 of Title 2 of the Education Code is repealed.~~

*SEC. 57. Article 1 (commencing with Section 60500) of Chapter 4 of Part 33 of Division 4 of Title 2 of the Education Code is repealed.*

*SEC. 58. The heading of Article 2 (commencing with Section 60510) of Chapter 4 of Part 33 of Division 4 of Title 2 of the Education Code is amended and renumbered to read:*

Article 2-1. Donation or Sale

*SEC. 59. Section 60510.1 of the Education Code is repealed.*

~~60510.1. All of the proceeds of any sale of surplus or undistributed obsolete instructional materials made pursuant to subdivision (e) of Section 60510 shall be available for school districts and county offices of education to acquire basic~~

1 ~~instructional materials, supplemental instructional materials, or~~  
2 ~~technology-based materials.~~

3 *SEC. 60. Article 3 (commencing with Section 60520) of Chapter*  
4 *4 of Part 33 of Division 4 of Title 2 of the Education Code is*  
5 *repealed.*

6 *SEC. 61. The heading of Article 4 (commencing with Section*  
7 *60530) of Chapter 4 of Part 33 of Division 4 of Title 2 of the*  
8 *Education Code is amended and renumbered to read:*

9  
10 *Article 4-2. Destruction*

11  
12 *SEC. 62. Section 60851 of the Education Code is amended to*  
13 *read:*

14 60851. (a) Commencing with the 2003–04 school year and  
15 each school year thereafter, each pupil completing grade 12 shall  
16 successfully pass the high school exit examination as a condition  
17 of receiving a diploma of graduation or a condition of graduation  
18 from high school. Funding for the administration of the high school  
19 exit examination shall be provided for in the annual Budget Act.  
20 The Superintendent shall apportion funds appropriated for this  
21 purpose to enable school districts to meet the requirements of this  
22 subdivision and subdivisions (b), (c), and (d). The state board shall  
23 establish the amount of funding to be apportioned per test  
24 administered, based on a review of the cost per test.

25 (b) Each pupil shall take the high school exit examination in  
26 grade 10 beginning in the 2001–02 school year and may take the  
27 examination during each subsequent administration, until each  
28 section of the examination has been passed.

29 (c) (1) At the parent or guardian's request, a school principal  
30 shall submit a request for a waiver of the requirement to  
31 successfully pass the high school exit examination to the governing  
32 board of the school district for a pupil with a disability who has  
33 taken the high school exit examination with modifications that  
34 alter what the test measures and has received the equivalent of a  
35 passing score on one or both subject matter parts of the high school  
36 exit examination. A governing board of a school district may waive  
37 the requirement to successfully pass one or both subject matter  
38 parts of the high school exit examination for a pupil with a  
39 disability if the principal certifies to the governing board of the  
40 school district that the pupil has all of the following:

1 (A) An individualized education program adopted pursuant to  
2 the federal Individuals with Disabilities Education Act (20 U.S.C.  
3 Sec. 1400 et seq.) or a plan adopted pursuant to Section 504 of the  
4 federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)) in place  
5 that requires the accommodations or modifications to be provided  
6 to the pupil when taking the high school exit examination.

7 (B) Sufficient high school level coursework either satisfactorily  
8 completed or in progress in a high school level curriculum  
9 sufficient to have attained the skills and knowledge otherwise  
10 needed to pass the high school exit examination.

11 (C) An individual score report for the pupil showing that the  
12 pupil has received the equivalent of a passing score on the high  
13 school exit examination while using a modification that  
14 fundamentally alters what the high school exit examination  
15 measures as determined by the state board.

16 (2) A school district shall report to the state board, in a manner  
17 and by a date determined by the Superintendent, the number and  
18 characteristics of waivers reviewed, granted, and denied under this  
19 subdivision and any additional information determined to be in  
20 furtherance of this subdivision.

21 (d) The high school exit examination shall be offered in each  
22 public school and state special school that provides instruction in  
23 grades 10, 11, or 12, on the dates designated by the Superintendent.  
24 A high school exit examination may not be administered on any  
25 date other than those designated by the Superintendent as  
26 examination days or makeup days.

27 (e) The results of the high school exit examination shall be  
28 provided to each pupil taking the examination within eight weeks  
29 of the examination administration and in time for the pupil to take  
30 any section of the examination not passed at the next  
31 administration. A pupil shall take again only those parts of the  
32 high school exit examination he or she has not previously passed  
33 and may not retake any portion of the high school exit examination  
34 that he or she has previously passed.

35 (f) Supplemental instruction shall be provided to any pupil who  
36 does not demonstrate sufficient progress toward passing the high  
37 school exit examination. To the extent that school districts have  
38 aligned their curriculum with the state academic content standards  
39 adopted by the state board, the curriculum for supplemental  
40 instruction shall reflect those standards and shall be designed to

1 assist the pupils to succeed on the high school exit examination.  
2 This chapter does not require the provision of supplemental  
3 services using resources that are not regularly available to a school  
4 or school district, including summer school instruction. In no event  
5 shall any action taken as a result of this subdivision cause or require  
6 reimbursement by the Commission on State Mandates. Sufficient  
7 progress shall be determined on the basis of either of the following:

8 (1) The results of the assessments administered pursuant to  
9 Article 4 (commencing with Section 60640) of Chapter 5 and the  
10 minimum levels of proficiency recommended by the state board  
11 pursuant to Section 60648.

12 (2) The grades of the pupil and other indicators of academic  
13 achievement designated by the school district.

14 *SEC. 63. Section 9.5 of this bill incorporates amendments to*  
15 *Section 17199.4 of the Education Code proposed by both this bill*  
16 *and Assembly Bill 1979. It shall only become operative if (1) both*  
17 *bills are enacted and become effective on or before January 1,*  
18 *2015, (2) each bill amends Section 17199.4 of the Education Code,*  
19 *and (3) this bill is enacted after Assembly Bill 1979, in which case*  
20 *Section 9 of this bill shall not become operative.*